

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

EDUARDO ALICEA-TORRES

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 05-1544(DRD)

Section 2255**ORDER**

*Letter was received +
issued to inmate on
7/12/07. Stephen Cox/ ~~Heck~~
Case mgr, FCC Coleman, FL*

MOTION	RULING
<p>Docket No. 11</p> <p>Motion to Alter/Amend Judgment</p>	<p>NOTED. Petitioner alleges that at the inception of this case he informed the Court that he needed the files and transcripts of his case to adequately plead his Section 2255 request for relief and argues that the Court entered judgment without ruling on his "Motion for Order Directing Former Attorney to Produce Movant's Criminal Files." (Docket No. 2). In fact the Court has revisited the case file and notes that petitioner also requested to be allowed to amend his petition after receipt of his files in the Memorandum of Law in support of his petition. (Docket No. 1, att. 2, p. 23).</p> <p>It is the Court's considered decision that petitioner should be allowed an opportunity to substantiate his claims with the benefit of the case files and transcripts. The Court further finds that, in view of the above, the interests of justice would support the appointment of counsel to request and examine the record of this case and assist the petitioner in his motion to amend.</p> <p>Petitioner shall thus file, within ten (10) days from the date of this Order, a motion for appointment of counsel together with a Financial Affidavit, <u>which form the Clerk shall send together with notice of this Order</u>, or, in the alternative, an Informative Motion indicating that he is not interested in requesting the appointment of counsel. Should petitioner request appointment of counsel, the Court will entertain said request and make the appointment under separate order, if appropriate.</p>

Civil No. 04-1544(DRD)
re: Criminal No. 97-76(DRD)

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MOTION	RULING
Docket No. 12 Motion Requesting Order Regarding Files and Transcripts	GRANTED. Attorney Raymond Rivera Esteves is hereby ORDERED to deliver petitioner's case file (including any and all transcripts and discovery material in his possession) to the Clerk of Court, within twenty (20) days from the date of this Order. Mr. Rivera Esteves should file a Motion in Compliance at the time he delivers the documents for purposes of the record. Once received, the Court will indicate whether the documents are to be mailed to the petitioner or delivered to counsel, in the event one is appointed.
Docket No. 13 Motion to Requesting Order re Motion to Amend	MOOT.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 3rd day of July, 2007.

s/ Daniel R. Domínguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

CLERK'S OFFICE

UNITED STATES DISTRICT COURT
ROOM 150 FEDERAL BLDG
SAN JUAN PR 00918-1767

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

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